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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/681,690	05/22/2001	Takayuki Sato	VN-0120US	4190
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28017	7590	10/23/2002
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JAPAN

EXAMINER

SUN, XIUQUIN

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,690

Applicant(s)

SATO, TAKAYUKI

Examiner

Xiuqin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lane (U.S. Pat. No. 5437009).

Lane teaches a network monitoring apparatus, method and computer program for displaying a state of a network and monitoring said network (see abstract and col. 2, lines 20-24), comprising: a setting unit and module operable to set a display condition that defines information to be displayed (col. 2, lines 33-36, lines 50-59; col. 5, lines 59-67 and col. 6, lines 1-67); a receiving unit and module operable to receive information of said network (col. 2, lines 20-25; col. 4, lines 13-16 and lines 54-61); a comparing unit and module operable to compare said received information with said display condition (col. 2, lines 25-32; col. 6, lines 60-66 and col. 7, lines 4-14); and a display unit and module operable to display said information of said network based on a result of the comparison by said comparing unit and module (Figs. 4-6; col. 2, lines 42-44, lines 66-68 and col. 5, lines 36-55). Lane further teaches: said setting unit and module further sets a receiving condition that defines information to be received, and said receiving unit

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and module receives said information of said network based on said receiving condition (col. 2, lines 33-36, lines 50-59; col. 5, lines 59-67; col. 6, lines 1-67; col. 4, lines 13-16 and lines 54-61).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 8-12, 14-15 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane (U.S. Pat. No. 5437009) in view of Shurmer et al. (U.S. Pat. No. 5974237).

Lane teaches a network monitoring apparatus, method and computer program for displaying a state of a network and monitoring said network that includes the subject matter discussed above.

Lane does not mention explicitly: said setting unit/module further sets a receiving condition that defines information to be received, and said receiving unit/module receives said information of said network based on said receiving condition; said setting unit/module further sets an indication image corresponding to said display condition, and said display unit/module displays said information of said network based on said indication image; said receiving unit/module receives a communication state of an

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interconnecting unit that interconnects communication devices in said network from said interconnecting unit; said interconnecting unit includes a plurality of connection ports; said receiving unit/module receives communication states of said plurality of connection ports from said interconnecting unit as said information of said network; said receiving unit/module receives the amount of communication at a connection port of said interconnecting unit from said interconnecting unit as said information of said network; a network communication device operable to notify said network monitoring apparatus of said state of said network.

Shurmer et al. teach a method and system for monitoring a communication network (see abstract and Fig. 4), including: a signal management layer (Figs. 4, 6, and Figs. 8-9) comprising a setting unit and module that sets a receiving condition that defines information to be received, and a receiving unit and module that receives said information of said network based on said receiving condition (col. 11, lines 12-18; col. 17, lines 52-67 and col. 18, lines 1-13); said setting unit and module further sets an indication image corresponding to said display condition, and said display unit and module displays said information of said network based on said indication image (col. 6, lines 42-56 and col. 16, lines 20-67); said receiving unit and module receives a communication state of an interconnecting unit that interconnects communication devices in said network from said interconnecting unit (Figs. 1 and 4; col. 5, lines 56-67; col. 12, lines 11-34; col. 19, lines 18-39; col. 24, lines 17-67 and col. 25, lines 36-62); said interconnecting unit includes a plurality of connection ports (see Figs. 4, 6, 9; col. 8, lines 25-29 and col. 11, lines 12-28), said receiving unit and module receives

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communication states of said plurality of connection ports from said interconnecting unit as said information of said network (col. 11, lines 12-28; col. 24, lines 17-67 and col. 25, lines 36-62); said receiving unit and module receives the amount of communication at a connection port of said interconnecting unit from said interconnecting unit as said information of said network (col. 24, lines 23-42). Shurmer et al. further teach a network communication device operable to notify a network monitoring apparatus of a state of said network (col. 17, lines 46-67; col. 18, lines 1-12 and lines 32-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teachings of Shurmer setting unit/module, receiving unit/module and means for notifying said monitoring apparatus of a state of said network in the Lane system in order to provide a better and more user-friendly method and system for monitoring a network featured with more functionality.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached on 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703)308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5841 for regular communications and (703)308-5841 for After Final communications.

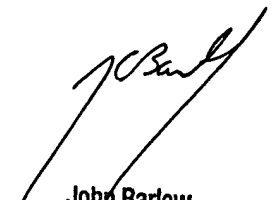
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

XS

XS

October 10, 2002

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800